REMARKS

Claims 1-3, 5, 6, 15, 16, 19, and 20 are now pending in this application for which applicants seek reconsideration.

Amendment

Independent claims 1, 15, and 16 have been amended to define the size in terms of a photographic size instead of a predetermined/standardized size. New independent claims 19 and 20 have been amended in light of the interview held on February 12, 2010 for which applicants thank. Specifically, new independent claims 19 and 20 now incorporate the features set forth in paragraph 137 of the published application (USPGP 2002/0089702). No new matter has been introduced.

Since applicants previously paid for 2 additional independent claims beyond three, no claim fee is necessary for new independent claims 19 and 20.

Art Rejection

Claims 1-3, 6, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa (USP 6,771,382) in view of Kim (USP 6,268,937). Claim 5 was rejected under § 103(a) as unpatentable over Misawa in view of Kim and Morigami (USP 6,057,934).

During the interview, applicants explained why Kim's teaching would **necessarily** have taught adding white data, when the image is in-between sizes, for all scanned originals regardless of how the image data is to be used. In this respect, applicants explained that Misawa discloses scanning (reading image) an original, and compressing and saving the scanned image data. The saved data is then compared with a reference size Aref. If the saved image data size is larger than the reference size Aref, then Misawa calls for emailing the saved image data. Otherwise, it is sent as a fax.

Applicants explained that Kim teaches automatically setting the size of the scanned document based on the detected size of the paper regardless of whether it is for faxing or copying. Indeed, Kim makes no distinction between faxing or copying. Because Kim detects in-between standard sizes, it can more accurately detect the actual size of the original, thus requiring less white data. But Kim always adds white data to in-between sized originals. Misawa is completely silent regarding adding white data, which the examiner acknowledged.

Kim does not have any selective features for scanning one way for copying and another way for faxing. Indeed, Kim explicitly states that the scanned image data is processed the same way for transmission or copying:

> ... **The image data output from the scanner 114 is then processed for either transmission via a telephone line or copy during the copy mode under control of the controller 111**. The image processor 115 encodes the image data generated from the scanner 114 and decodes the image data generated from modem 117. That is, the image processor 115 classifies the image data received from the scanner 114 into a background and a text and generates gradational image data, so that a called facsimile system may receive the image which is almost the same as the original image. The printer 116 prints the processed image data received from the NCU 118 on a printable medium such as individual cut sheets of papers during the reception mode and the copy mode under the control of the controller 111. [Kim, C3:L14-28; emphasis added].

That is, white data is always added during the scanning process and not after it has been scanned when the original is an in-between size. Accordingly, in contrast to the examiner's assertion, it cannot selectively add white data for only for facsimile transmission since Kim explicitly teaches adding white data during scanning, even for the copy mode.

In this respect, applicants submit that the combination urged by the examiner would not have lead to the claimed invention. Misawa and Kim both fail to disclose converting the image data depending on whether a fax transmission or an email transmission is selected. Indeed, as was previously explained, since Misawa shares a common image input for both the facsimile transmission and email transmission functions, per the Kim's teachings of adding white data to image data regardless of how it is to be used/transmitted, the combination would have taught using the same image data (i.e., added white data to the image data) for the email transmission and facsimile transmission. Accordingly, Kim still would not have alleviated Misawa's shortcomings.

During the interview, applicants proposed adding the resolution converting feature set forth in paragraph 137 of the published application. The examiner tentatively indicated that adding the resolution converting feature would likely overcome the art rejection because Kim would not teach changing the resolution of the image before adding white data. In this respect, new independent claims 19 and 20 include the resolution converting feature. These claims are substantially similar to independent claims 1 and 15, with the except for the resolution converting feature and the size definition language.

Applicants submit that claims 19 and 20 further distinguish over the applied references as none of the applied references would have taught at least converting the resolution of the image represented by the image data to a resolution suitable for the facsimile transmission, changing the resolution of the image to the resolution suitable for transmission changing the size of the image while maintaining a same aspect ratio.

Conclusion

Applicants submit that the pending claims patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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